

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOWARSKI RUSSELL NEDD,

Petitioner,

v.

Civil Action No. **3:23CV279**

HAROLD W. CLARKE,

Respondent.

MEMORANDUM OPINION

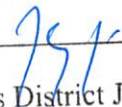
Jowarski Russell Nedd, a Virginia state prisoner proceeding *pro se*, filed a petition pursuant to 28 U.S.C. § 2254 challenging his convictions in the Circuit Court of the County of Accomack, Virginia (“Circuit Court”) for capital murder, robbery, and use of a firearm in commission of a felony. The Court previously has denied a 28 U.S.C. § 2254 petition by Nedd challenging these convictions. *Nedd v. Clarke*, No. 3:16CV948, 2017 WL 2297023, at *1–7 (E.D. Va. May 25, 2017).

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a “gatekeeping mechanism.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A).

The Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to file the present § 2254 Petition. The action, therefore, will be DISMISSED for want of jurisdiction. The Court will DENY a certificate of appealability.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: 1 May 2023
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
Senior United States District Judge